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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/569,172

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Jonathan R. Piesing

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

CHOKSHI, PINKAL R

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2425

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/569,172	Applicant(s) PIESING, JONATHAN R.	
	Examiner PINKAL CHOKSHI	Art Unit 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/01/2009 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding claim 1, Applicant asserts that the combination of Piesing and Bulkowski does not teach that the data substream comprises at least three components and time pulses are inserted into one of the three components. Examiner respectfully disagrees. Piesing discloses (§§0019, §§0024) that the broadcast signal (28), generated by broadcaster and received by end user device, includes a video component, an audio component, and a data component as represented in Fig. 1 (elements 18, 20, 22). And Bulkowski discloses (§§0006) that the enhancement data are integrated into the audio and video data streams. Bulkowski further discloses (§§0039, §§0059, §§0069, §§0070, claim 2) that the time pulses (periodic clock) is combined with the data-substream (enhancement data), which is a part of MPEG/data stream as represented in Fig. 5. The rejection is maintained.

Furthermore, Applicant alleges that Bulkowski does not disclose inserting periodic clock within the broadcast signal. Examiner respectfully disagrees. Bulkowski

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discloses (§0019) that the time pulses are multiplexed with data sub-streams in one MPEG stream.

With regard to the other dependent claims, the respective rejections are maintained as Applicant has only argued that the combination of references does not cure the deficiency in claim 1, nevertheless it is the Examiner's contention that Piesing and Bulkowski does not contain any deficiency. See the rejection below.

The rejections relied on the references for all the teachings expressed in the text of the references and/or one of ordinary skill in the art would have reasonably understood from the texts. Only specific portions of the texts have been pointed out to emphasize certain aspects of the prior art, however, each reference as a whole should be reviewed in responding to the rejection. See the rejection below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over US PG Pub 2003/0079225 to Peising et al (hereafter referenced as Piesing) in view of US PG Pub 2004/0034875 to Bulkowski et al (hereafter referenced as Bulkowski).

Regarding **claim 1**, “a method of monitoring a broadcast signal” reads on the method where the broadcast signal is monitored for an identification signal (abstract) disclosed by Piesing and represented in Fig. 1.

As to “method comprising receiving, by an end user device, a broadcast signal comprising at least three components” Piesing discloses (§§0019, §§0024) that the broadcast signal (28), generated by broadcaster and received by end user device, includes a video component, an audio component, and a data component as represented in Fig. 1 (elements 18, 20, 22).

As to “monitoring the broadcast signal for an identification signal” Piesing discloses (§§0021 and §§0024) that the identification signal included in broadcast signal is monitored by the receiver for the presence of the identification signal.

As to “pausing the received timebase if the identification signal is not present” Piesing discloses (§§0025) that when identification signal is not present in broadcast signal, receiver interrupts by pausing an internal timebase of the interactive application.

As to “the broadcast signal including a timebase” Piesing discloses (§§0020) that the interactive application transmitted to receiver is part of the data portion that is part of the broadcast signal. Piesing further discloses (§§0025) that the possible interruption includes pausing an internal timebase received in receiver.

Piesing meets all the limitations of the claim except “a timebase is included in the broadcast signal and pausing the timebase, wherein said

timebase is a periodic clock inserted into one of the three components.”

However, Bulkowski discloses (§§0039, §§0069, §§0070, claim 2) that the time pulses (periodic clock) is combined with the data-substream, which is a part of MPEG/data stream. Bulkowski further discloses (§§0081-§§0083) that the time base, associated with the data sub-stream, is transmitted to the client device as represented in Fig. 5. Bulkowski also discloses (§§0070) that the timing information transmitted with the data stream to the client device includes time pulses, which delivered regularly to the client and consist of the current time on the stream's time base. Bulkowski also discloses (§§0074-§§0076) that the time base associated with data stream is paused. Bulkowski further discloses (TABLE 1) that the pauseTime is time in seconds at which the enhancement should be paused, and all UI (user interface) made invisible to the user. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Piesing's system by pausing time base as taught by Bulkowski in order to run interactive application correctly on a viewer's screen so the viewer has a great deal of control over what appears on screen (§§0004, §§0012).

Regarding **claim 2**, “a method wherein the broadcast signal comprises a video component, an audio component, and a data component” Piesing discloses (§§0019) that the audio, video and data components are multiplexed in multiplexer as represented in Fig. 1 (elements 18, 20, 22).

Regarding **claim 3**, “a method wherein the timebase is a portion of the data component of the broadcast signal” Piesing discloses (§0020) that the interactive application transmitted to receiver is part of the data portion that is part of the broadcast signal. Piesing further discloses (§0025) that the possible interruption includes pausing an internal timebase received in receiver. Piesing does not explicitly teach that the timebase is a periodic clock inserted into the data component. However, Bulkowski discloses (§0069, §0070, §0083, §0087) that the timing information consists of time pulses that are combined with the data sub-stream (data component) as represented in Fig. 5. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Piesing’s system by pausing time base as taught by Bulkowski in order to run interactive application correctly on a viewer’s screen so the viewer has a great deal of control over what appears on screen (§0004, §0012).

Regarding **claim 4**, “a method wherein the broadcast signal is a digital signal and the identification signal is present in the data component of the broadcast signal” Piesing discloses (§0010) that the broadcast signal is a digital signal. Piesing further discloses (§0019) that the identification signal is produced by device 26 with data component and other data to generate broadcast signal.

Regarding **claim 5**, “a method wherein the broadcast signal is an analogue signal and the identification signal is present in the vertical blanking interval of the broadcast signal” Piesing discloses (§0029) that the broadcast signal is an analog signal with the identification signal is presented in VBI of the broadcast signal.

Regarding **claim 6**, “a method further comprising restarting the timebase, once the identification signal is present” Piesing discloses (§0025) that the interruption will be suspended when the identification signal is returned. Piesing does not explicitly teach that restarting the timebase. However, Bulkowski discloses (§0083) that the client device recreates the time base associated with the data stream. In addition, same motivation is used as rejection of claim 1.

Regarding **claim 7**, “a method wherein the identification signal is present in the normal data structures describing the video component of the broadcast signal” Piesing discloses (§0021, §0024, §0025) that the identification signal is carried in the video signal which describes its component by above mentioned operation.

Regarding **claim 8**, “apparatus for monitoring a broadcast signal” reads on

the receiver where the broadcast signal is monitored for an identification signal (abstract) disclosed by Piesing and represented in Fig. 1.

As to “apparatus comprising receiving means for receiving the broadcast signal comprising at least three components” Piesing discloses (§0019, §0024) that the broadcast signal (28), generated by broadcaster and received by end user device, includes a video component, an audio component, and a data component as represented in Fig. 1 (elements 18, 20, 22).

As to “monitoring means for monitoring the broadcast signal for an identification signal” Piesing discloses (§0021 and §0024) that the identification signal included in broadcast signal is monitored by the receiver for the presence of the identification signal.

As to “for pausing the received timebase if the identification signal is not present” Piesing discloses (§0025) that when identification signal is not present in broadcast signal, receiver interrupts by pausing an internal timebase of the interactive application.

As to “the broadcast signal including a timebase” Piesing discloses (§0020) that the interactive application transmitted to receiver is part of the data portion that is part of the broadcast signal. Piesing further discloses (§0025) that the possible interruption includes pausing an internal timebase received in receiver.

Piesing meets all the limitations of the claim except “a timebase is included in the broadcast signal and pausing the timebase, wherein said

timebase is a periodic clock inserted into one of the three components.”

However, Bulkowski discloses (§§0039, §§0069, §§0070, claim 2) that the time pulses (periodic clock) is combined with the data-substream, which is a part of MPEG/data stream. Bulkowski further discloses (§§0081-§§0083) that the time base, associated with the data sub-stream, is transmitted to the client device as represented in Fig. 5. Bulkowski also discloses (§§0070) that the timing information transmitted with the data stream to the client device includes time pulses, which delivered regularly to the client and consist of the current time on the stream's time base. Bulkowski also discloses (§§0074-§§0076) that the time base associated with data stream is paused. Bulkowski further discloses (TABLE 1) that the pauseTime is time in seconds at which the enhancement should be paused, and all UI (user interface) made invisible to the user. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Piesing's system by pausing time base as taught by Bulkowski in order to run interactive application correctly on a viewer's screen so the viewer has a great deal of control over what appears on screen (§§0004, §§0012).

Regarding **claim 9**, “apparatus wherein the signal comprises a video component, an audio component, and a data component” Piesing discloses (§§0019) that the audio, video and data components are multiplexed in multiplexer as represented in Fig. 1 (elements 18, 20, 22).

Regarding **claim 10**, “apparatus wherein the timebase is a portion of the data component of the broadcast signal” Piesing discloses (¶0020) that the interactive application transmitted to receiver is part of the data portion that is part of the broadcast signal. Piesing further discloses (¶0025) that the possible interruption includes pausing an internal timebase received in receiver. Piesing does not explicitly teach that the timebase is a periodic clock inserted into the data component. However, Bulkowski discloses (¶0069, ¶0070, ¶0083, ¶0087) that the timing information consists of time pulses that are combined with the data sub-stream (data component) as represented in Fig. 5. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Piesing’s system by pausing time base as taught by Bulkowski in order to run interactive application correctly on a viewer’s screen so the viewer has a great deal of control over what appears on screen (¶0004, ¶0012).

Regarding **claim 11**, “apparatus wherein the receiving means and the monitoring means are portions of an integrated circuit” Piesing discloses (¶0026) that the receiving means and monitoring means are part an integrated circuit.

Regarding **claim 12**, “apparatus wherein the apparatus is a digital

television receiver” Piesing discloses (§0023) that the apparatus is a receiver as represented in Fig. 1 (element 34).

Regarding **claim 13**, “apparatus wherein the monitoring means is arranged to restart the timebase, once the identification signal is present” Piesing discloses (§0025) that the interruption will be suspended when the identification signal is returned. However, Bulkowski discloses (§0083) that the client device recreates the time base associated with the data stream. In addition, same motivation is used as rejection of claim 1.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pinkal Chokshi/
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425